

From: Waye, Don
To: Carlin, Jayne
Sent: 8/19/2014 1:04:35 PM
Subject: Attn Jayne ***confidential***

Jayne,

This was not for you to share with "All". If you wanted to pass on the green text, that would have been fine. If I had meant for my entire message to go out to the whole group, I would have sent it that way myself, as it's really easy to hit "Reply All."

Don

From: Carlin, Jayne
Sent: Tuesday, August 19, 2014 12:50 PM
To: Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate; Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'
Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal
Subject: FW: Attn Jayne (cc Allison & Robert) - [Agenda for Aug 19 OR CZARA Call...]

From: Waye, Don
Sent: Tuesday, August 19, 2014 7:12 AM
To: Carlin, Jayne
Cc: allison.castellan@noaa.gov; Goo, Robert
Subject: Attn Jayne (cc Allison & Robert) - [Agenda for Aug 19 OR CZARA Call...]

Jayne,

Thanks for pulling this agenda together, along with the action items and whatnot.

First, I must tell you that I will be at a 2-day training starting tomorrow, so I will not be available for the call. (It's not the kind of thing I can break away from.) So my part of the agenda ("OSDS rationale/setting precedent revisited") will need to slide. IF I have time today, I will try to write something up for our managers. But as I want to ensure that my write-up is complete enough to do the issue justice, I may not be able to complete the write-up today. In case I don't, allow me to at least pass on this hopefully-reassuring news and option for dealing with the situation:

We are NOT going forth with an approval decision next January, so we don't intend to say anything to the public about OSDS apart from what we say in our Response-to-Comments document—

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Further, in any correspondence with Oregon, we don't have to place OSDS in the "interim approval" camp (as we intend to for New Dvpt.). We COULD opt to move it into a grey area, just as we are currently doing with the Ag MMs.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

So I hope this helps some.

Second, with regard to the following action item:

The managerial team will review the rationale for interim approval for New Development MMs and provide

comments to Don Waye. The managerial team will review OSDS rationale once legal team completes its review.

...I did not hear that part on last week's call with our managers and attorneys that the management team will review OSDS after the legal team does so. I thought the manager's review was to be concurrent, just as it is for the New Development rationale. I apologize if I misunderstood that. Note that I have, in fact, already sent BOTH draft rationales (New Dvpt & OSDS) around to BOTH the mgmt team and the legal team for a concurrent review. (Oops.) Perhaps you can seek clarification on tomorrow's call, and if the managers want to defer until after the attorneys have a go at it, that's fine with me; just let me know.

That's all for now.

Don

From: Carlin, Jayne

Sent: Monday, August 18, 2014 6:15 PM

To: Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate; Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal

Subject: Agenda for Aug 19 OR CZARA Call (10 AM WA/OR or 1 PM DC, Dave's Office)

Non-Responsive or

Preparing for Aug 20 OR CZARA Managers Meeting

August 19 at 10 AM WA/OR or 1 PM DC

Non-Responsive or Dave's Office

Agenda

Updates, Status of Rationales etc (check attached table for accuracy), Follow up from August 14 Managers' Call & Action Items Review (see below)

Preparation for Aug 20th managers meeting (see draft agenda)

- Ag MM issue
- Forestry/Pesticides
- Forestry/Landslide prone areas follow-up from managers meeting
- Draft Mgrs Meeting agenda

Standard language for comments on MMs in which NOAA/EPA did not solicit comments See attached.

Action Items/Next Steps

Draft Agenda for Aug 20th meeting

- Introductions/Agenda Review/Action Items from Aug 14th meeting (Jayne)
- Forestry/pesticides issue (Jenny)
- Ag MM issue (Alan)
- **Ex. 5 - Deliberative**
- Forestry/Landslides revisited (Alan)
- Next Steps

Draft Agenda for September 4th meeting

- Introductions/Agenda Review/Action Items from Aug 14th meeting (Jayne)
- Any issues not covered at the August 20th meeting
- Forestry/roads issue (Alan)
- Information needed for managerial team to elevate issues
- Concerns regarding rationales and/or response to comments
- Communications strategy/plan

- Next steps

Action Items

- The NOAA team agreed to review the CWA 319 Penalties calculations issue paper and let the EPA team know if they have additional questions or concur on the recommended option.
- The legal team will review the rationale for interim approval for OSDS and New Development MMs and provide comments to Don Waye.
- The managerial team will review the rationale for interim approval for New Development MMs and provide comments to Don Waye. The managerial team will review OSDS rationale once legal team completes its review.
- Legal team will prepare talking points for management and to help the technical team craft a response to comments regarding additional management measures.
- Forestry/landslides team will provide the following information to the managerial team in the form of talking points: comparison to how Washington addresses high risk landslides' potential impact to water quality in forested areas; EPA/NOAA expectations and suggestions on how Oregon can address this additional MM; whether we have the data to identify landslide prone areas and nearby receiving waters.
- Alan will revise the Forestry/Riparian issue paper to reflect changes suggested at the meeting.
- Jayne will set up another call for early September (*set up two shorter calls with understanding that the calls can be cancelled if not needed. See invites.*)

Upcoming August Meetings

Aug 20 Managers Call (Part 2)

Aug 26: Linger issues based on consolidated response to comments and decision rationale.

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